

# FAX COVER SHEET

**RICHARD E. FERRIS**

P.O. Box 444

Austin, TX 78767

Tel. No.: 512.477.1000

Fax No.: 512.479.6300

NRD  
RECEIVED  
1/27/05  
After 2:00 pm

2-9Total pages, including cover: 4☐ Urgent ☐ Reply ASAP ☐ Please comment ☐ Please review ☐ For your information

Send to:	From: RICHARD E. FERRIS
Attention: Robert Heil	Date: 1/26/2005
Office location:	
Tel. No.:    Fax No.:    E-mail:	
974-2330    FAX 974-6054	

wrong 1/27/05

Comments:

Letter of Response to Dr. Urdy's  
Letter Jan 21, 2005

Regards,

Richard Ferris

January 21, 2005

Honorable Mayor Wil Wynn  
Austin City Council Members  
Austin Planning Commissioners

Re: Historic Zoning for 901 E. 12th Street

Honorable Mayor Wynn, Council Members and Planning Commissioners,

Dr. Urdy's [Chairman Of The Austin Revitalization Authority] letter of January 10, 2005 to you is misinformative in many respects and it must be noted that his letter could well have contributed to the Planning Commission's recommendation to rezone 901 E. 12th Street. This letter is intended to correct both the misleading nature of his letter and to articulate the concerns of the 12<sup>th</sup> street business owners regarding this specific rezoning request and the shortcomings of the planning process. In addition, this letter will respectfully suggest what is now needed to address the concerns of all, resulting in the most positive outcome for all of the citizens of Austin and the City of Austin. Thus, I will clarify some of Dr. Urdy's misleading, inconsistent, and contradictory statements.

As a concerned citizen and a member of OCEAN, I am very disturbed by the fact that Ocean asked the Planning Commission to postpone zoning action to grant historic zoning designation for 901 E. 12th Street and any other individual re-zonings on 12th Street until the final disposition of revisions to the 12th Street Community Redevelopment Plan.

Despite the request in the resolution, efforts are still being made to proceed with this action against the wishes of the property owners of E. 12th Street Owners

Dr. Urdy states that OCEAN did not inform the ARA that they had any concerns regarding the re-zoning even though the area neighborhoods have appointed representatives to the ARA Board. It is unfortunate that these appointed representatives did not feel comfortable or were unwilling to share this information, for whatever reason, with the ARA Board. It doesn't change the fact that the resolution has been properly submitted. Even though Dr. Urdy may not have been directly informed, the resolution to postpone the action was sent to the City Council and the Planning Commission (for your consideration).

In his letter to you, Dr. Urdy also states that "no delay is necessary." It is not my purpose to further delay the developing of E. 12th Street but to ensure that E. 12th Street is developed in the most beneficial and profitable way for the property owners of E. 12th Street and the City of Austin. One cannot speak of delay when such an important project is to be realized. Because the city of Austin has owned these properties for over fifteen

years before allowing the ARA to develop them, waiting a little longer would show good faith on the part of the City to the other property owners and would allow the property owners adequate time to re-evaluate the revisions to the plan.

Dr. Urdy states in his letter that the proposed zoning action is independent of the E. 11th & 12th Streets Community Redevelopment Plan (CRP). However it is, in fact, very much a part of the plan, as indicated in Figure No. 4-16: SCIP II Townhouses-South, page 4-22 (attached).

Even though Dr. Urdy asserts that the CRP does not change the underlying zoning designation and that two prior amendments to the CRP removed the requirement that the houses be relocated, this figure shows that houses have been designated as historical places and are to be relocated elsewhere in the community. Additionally, the CRP shall be the guide to all of the zoning changes that will be required in the future.

In recent action by the Texas State Historical Commission, the property at 901 E. 12th Street has been declared historic; however, the City Council has not yet certified the declaration. Once this declaration occurs, if it does, it will clear the way for re-evaluation of development on the 12th Street business corridor.

This is the plan of the ARA Board and Staff as it focuses on developing E. 12th Street "as promised to the residents and business owners along the corridor." Yes, they promised to develop it; however the wishes of the residents and business owners are not being considered nor are the wishes of the City Council being honored.

Dr. Urdy states that a developer has been identified for 901 E. 12th Street using the process approved by all involved except the other property owners. Dr. Urdy further states that the Memorandum of Agreement between the State Historical Commission and the City of Austin requires that the RFP for the development of 901 E. 12th Street contain specifications that the successful developer be required to seek historic zoning. Why, then, is the City of Austin seeking to rezone its own property for the buyer or developer? The reason Dr. Urdy gives is so that "the project could be developed faster." Why is there a need to rush?

Dr. Urdy is waiting for approval of negotiated amendments to the CRP. Why can't he wait for this zoning action? Why can't he wait so that the wishes and concerns of the other property owners on 12th Street can be addressed?

OCEAN has been involved in the process of developing a plan for the 12th Street Corridor for seven years and the ARA continues to ignore our wishes, evident in his efforts to push a plan through the City Council that addresses someone else's agenda rather than that of the 12th Street Owners and that of the City of Austin.

Dr. Urdy closed his letter saying "We need to move forward." I say, "We need to move forward as a united group, respecting the legitimate desires of all concerned."

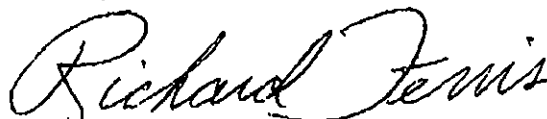
Neighborhood Housing and ARA representatives are concerned. However, they have vested but non-community interests in this rezoning issue. The neighborhood property owners and residents are the most affected and will have to live with the consequences of the decision made by the Council regarding this rezoning issue and the other issues surrounding the Redevelopment Plan. As a matter of fact, the Plan on which this proposed rezoning is based has not been approved by all the adjacent property holders and I specifically disapproved of the proposed use for the suggested rezoning. (My property is directly across the street from 901 East 12th Street.)

I personally oppose this rezoning because the most recent redevelopment plan does not have three essential infrastructure elements necessary for making an intelligent decision regarding rezoning: a utilities infrastructure plan for the neighborhood; a transportation study or assessment for the affected thoroughfare, namely, 12th Street; and an analysis of the best use of the property in light of the utilities and transportation issues and consideration of the best use for the other properties affected by the plan.

In the name of all the property owners on 12th Street, I request that you postpone the historic zoning of 901 E. 12th Street until the final disposition of revisions to the 12th Street Community Redevelopment Plan. Additionally, there should be a full accounting of all funds allocated for the 12th Street CRP, both federal and local, to avoid any future conflicts.

Additionally, the 12<sup>th</sup> Street Owners respectfully request that the City Council direct that a new "slum and blight" study be initiated as market forces have driven property valuations dramatically higher than when the prior study was completed. The OCEAN resolution attached hereto requests the same thing. The new study would show that this is no longer a blight area and that the very severe and abused power of eminent domain as set forth in the urban renewal plan is no longer needed. What is needed is for the process to be completed without favoritism.

Sincerely,



Richard Ferris, Officer  
12<sup>th</sup> Street Property Owners Association

**Subj:** 901 E. 12th Street (Chapman House) -- Item #2-9 on 1/27 agenda  
**Date:** 1/25/2005 9:23:31 PM Central Standard Time  
**From:** [ocean@centraleastaustin.org](mailto:ocean@centraleastaustin.org)  
**To:** [Will.Wynn@ci.austin.tx.us](mailto:Will.Wynn@ci.austin.tx.us), [Jackie.Goodman@ci.austin.tx.us](mailto:Jackie.Goodman@ci.austin.tx.us), [Darvi.Slusher@ci.austin.tx.us](mailto:Darvi.Slusher@ci.austin.tx.us),  
[Raul.Alvarez@ci.austin.tx.us](mailto:Raul.Alvarez@ci.austin.tx.us), [Betty.Dunkerley@ci.austin.tx.us](mailto:Betty.Dunkerley@ci.austin.tx.us),  
[Brewster.McCracken@ci.austin.tx.us](mailto:Brewster.McCracken@ci.austin.tx.us), [Danny.Thomas@ci.austin.tx.us](mailto:Danny.Thomas@ci.austin.tx.us)  
**CC:** [Robert.hell@ci.austin.tx.us](mailto:Robert.hell@ci.austin.tx.us)

Mayor Wynn and members of the City Council:

Since there has been a great deal of unfortunate confusion regarding OCEAN's stance on this case, I'd like to clarify:

1) Though I decided not to speak at the Planning Commission hearing on this case, OCEAN has not voted to rescind its resolution of 12/14/05 regarding this case. A copy is attached for your convenience. I apologize for any misunderstandings.

2) As you can see, the resolution does not oppose the specific zoning requested (by the city) for this property, nor does it object in any way to the development agreement which underlies this zoning case, nor does it call for the case to be postponed into the indefinite future. (At least that was our understanding when we adopted it.) Rather, OCEAN is simply stating, as a matter of principle, that any and all land-use decisions on 11th and 12th Streets **should** be made in a coordinated fashion, implementing the (overlapping but compatible) provisions of the urban renewal plan (as amended through the community consensus process that has been pending now for months) and the Central East Austin Neighborhood Plan. Whether that is feasible for this specific case is a matter of debate and ultimately for the City Council to decide. But that this is a desirable goal in general seems to us (and, we believe, to the other stakeholders here) to be beyond dispute.

If you have any further questions, please don't hesitate to contact me (at this address or at 698-2549) or OCEAN's current president, Eric Shropshire ([e.shropshire@att.net](mailto:e.shropshire@att.net)).

Mike Clark-Madison  
 Immediate Past President  
 Organization of Central East Austin Neighborhoods



## **RESOLUTION**

**regarding 901 East 12<sup>th</sup> Street (Case No. C14H-04-0028/C14-04-0200)  
December 14, 2004**

WHEREAS, the City of Austin Neighborhood Housing and Community Development Office is seeking rezoning of 901 East 12<sup>th</sup> Street from SF-3 to GR-H-NP zoning as part of a development agreement for this property within the East 11<sup>th</sup>/12<sup>th</sup> Street Community Redevelopment Plan; and

WHEREAS, revisions to the CRP involving properties on 12<sup>th</sup> Street have been crafted through a lengthy process of community consensus building and have been endorsed by OCEAN, by the Austin Revitalization Authority board, and by the city Urban Renewal Board; and

WHEREAS, these revisions when finally approved will allow and control the commercial redevelopment not only of the subject property but of all properties within the corridor;

THEREFORE, BE IT RESOLVED that OCEAN calls upon elected and appointed city officials to forego this and any other individual rezonings on 12<sup>th</sup> Street unless and until required to implement the comprehensive revision of the Community Redevelopment Plan, which currently awaits action by the Planning Commission and City Council. Thus, OCEAN does not endorse the rezoning of 901 East 12<sup>th</sup> Street at this time.

Adopted by the OCEAN Community/Steering Committee on December 14, 2004

Mike Clark-Madison, President, Organization of Central East Austin Neighborhoods



## **RESOLUTION**

### **regarding the East 11<sup>th</sup>/12<sup>th</sup> Street Community Redevelopment Plan December 14, 2004**

WHEREAS, the Organization of Central East Austin Neighborhoods (OCEAN) and the Central East Austin Neighborhood Planning Team have for years endeavored to work well with, and not seek conflict with, the Austin Revitalization Authority (ARA) on our organization's shared mission to promote revitalization and a positive quality of life in this unique, diverse, and historic part of the city; and

WHEREAS, the city's East 11<sup>th</sup>/12<sup>th</sup> Street Community Redevelopment Plan (CRP), which the ARA was created to prepare and implement, identified these two corridors in the heart of Central East Austin as "blighted areas" in need of urban renewal; and

WHEREAS, since its inception the CRP has been developed, and subsequently amended, to include land-use and development controls defined through consensus-building and negotiation with neighbors and property owners; and

WHEREAS, in the eight years since the completion of the "slum and blight" study that lead to the CRP, property values in East Austin have risen significantly faster than those of Austin as a whole; and

WHEREAS, combating gentrification has replaced promoting revitalization as the foremost concern of many Central East Austin neighbors; and

WHEREAS, other commercial corridors in East Austin have seen substantial reinvestment and redevelopment without the mechanism of an urban renewal plan, and property owners on 11<sup>th</sup> and 12<sup>th</sup> Streets should have access to similar opportunities; and

WHEREAS, many Central East Austin neighbors believe that redevelopment on East 11<sup>th</sup> and 12<sup>th</sup> streets has been slowed down, rather than expedited, by the mechanisms of urban renewal, in light of obvious market demand for commercial and residential property in the area; and

WHEREAS, the development of new diverse and affordable housing options, and a vital and viable mix of neighborhood-serving businesses, is a key goal both for OCEAN and in the Central East Austin Neighborhood Plan;

THEREFORE, BE IT RESOLVED that OCEAN calls upon the City Council of the City of Austin, along with other elected and appointed municipal leaders, to respectfully consider the following recommendations:

Enact a moratorium on all uses of eminent domain power on 11<sup>th</sup> and 12<sup>th</sup> Streets;

Conduct a new "slum and blight" study that accounts for current economic and land-use conditions in Central East Austin, and amend, repeal, or allow to expire the East 11<sup>th</sup>/12<sup>th</sup> Street urban renewal plan in accordance with its findings;



**RESOLUTION -- East 11<sup>th</sup>/12<sup>th</sup> Street Community Redevelopment Plan -- Page 2 of 2**

Amend the Central East Austin Neighborhood Plan and/or create an expanded Neighborhood Conservation Combining District to incorporate certain land-use and development controls that help promote the plan's goals and that currently exist only in the CRP;

Provide incentives to support the development and growth of new and existing small businesses in Central East Austin; and

Preserve the quantity and character of existing housing stock in Central East Austin by enabling and encouraging the creation of housing units as called for in the Central East Austin Neighborhood Plan.

Adopted by the OCEAN Community/Steering Committee on December 14, 2004

Mike Clark-Madison, President, Organization of Central East Austin Neighborhoods



## PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

[www.ci.austin.tx.us/development](http://www.ci.austin.tx.us/development)

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14H-04-0028 / C14-04-0209

Contact: Robert Heil (512) 974-2330

Public Hearing:

January 11, 2005 Planning Commission

Your Name (please print)

*Todd R. DAVENET, Jr.*

DI am in favor  
of this object

Your address(es) affected by this application

*1003 W. 14th, 1001 W. 14th, 1002 W. 14th 76008-1113*

Signature

Date

Comments:

*I question the health and safety of the subject property and the low value placed on it. The area should be rezoned for commercial & high rise business & mixed use. Property owners are already well included & should be allowed to build multi-family housing.*

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Robert Heil

P. O. Box 1088

Austin, TX 78767-8810